

REMARKS

Claims 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 20-22 are directed towards the method claim. There is insufficient antecedent basis for this limitation in the claim. Specifically, claim 15 is a system claim. For the purposes of this action, it is submitted that claims 20-22 depend on the method of claim 17.

Obviously, it was a typing error: claim 20 should be a dependent claim of claim 17, which is corrected by the Present Amendment. This overcomes the rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in the office action of November 15, 2005.

\*\*\*

Claim 12 was rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 15 of U.S. Patent No. 6,925,176 (Myllylä et al.). Although the conflicting claims are not identical, they are not patentably distinct from each other because the differences arise from claim 15 of Patent '176 including further limitations than claim 12 of the instant application.

The applicant submits a terminal disclaimer to obviate a provisional double patenting rejection.


\*\*\*

The objections and rejections of the Official Action of November 15, 2005, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested, and passage of the claims to issue is earnestly solicited.

Respectfully submitted,

Date: \_\_\_\_\_

11/22/05



\_\_\_\_\_  
Anatoly Frenkel  
Registration No. 54,106

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, PO Box 224  
Monroe CT 06468  
(203) 261-1234